IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5652 OF 2005

Patil Rajendrarao Anandrao
& Ors. ..Petitioners.

Vs.

The State of Maharashtra
through the Secretary
Higher & Technical Education
Mantralaya, Mumbai (Extn) & Ors. ..Respondents.

....

Mr.R.S.Apte with Mr.Mandar Limaye for the Petitioners.

Mrs.J.S.Pawar, AGP for the State.

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CORAM : F.I.REBELLO &
DR.D.Y.CHANDRACHUD, JJ.
29th September, 2005.

P.C. :

It is the case of the Petitioners that they

had raised an issue that they were entitled to protection in terms of Government Resolution dated 20th April, 2002 and they have also raised the said contention before the Tribunal. The Tribunal, however, has not answered the said contention.

We have perused the impugned judgement. We do not find any reference to the Government Resolution dated 20th April, 2002. It is the case of the Petitioner that they have argued the point and the Tribunal has not answered it. The appropriate remedy for the Petitioner is to move the Tribunal by way of a review. With the above observations, the Petition stands disposed of.

On behalf of the Respondent State, learned AGP states that if review is filed within 15 days from today, they will argue the matter on merits and will not raise a plea that review is barred by limitation. Statement is accepted.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)